

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LAURA SAMPSON, *et al.*, individually
and on behalf of all others similarly
situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC.,

Defendants.

Case No. 1:21-CV-10284-ESK-SAK

Motion Date: April 21, 2025

PLAINTIFFS' UNOPPOSED
MOTION FOR AN ORDER
PRELIMINARILY APPROVING
CLASS ACTION SETTLEMENT

PLEASE TAKE NOTICE that on April 21, 2025 at 9:00 AM or as soon thereafter as the matter can be heard, Plaintiffs James Sampson, Janet Bauer, Lisa Harding, Barabara Miller, Shirley Reinhard, Celeste Sandoval, Xavier Sandoval, Danielle Lovelady Ryan, and Elizabeth Wheatley ("Plaintiffs") individually and on behalf of all other similarly situated, move this Court before Edward S. Kiel, U.S.D.J., pursuant to Rule 23 of the Federal Rules of Civil Procedure for an Order: (1) granting preliminary approval of the Settlement; (2) conditionally certifying the proposed Settlement Class for settlement purposes; (3) conditionally appointing Plaintiffs as the Representative Plaintiffs and Plaintiffs' Counsel, Berger Montague PC, as Settlement Class Counsel; (4) approving the Parties' proposed Class Notice form and plan for disseminating the Class Notice; (5) appointing JND Legal Administration as the Settlement Administrator; (6) setting deadlines for the filing

of any objections to, or requests for exclusion from, the Settlement, and for other submissions in connection with the Settlement approval process; and (7) setting a Final Fairness Hearing date and briefing schedule for Final Approval of the Settlement and Plaintiffs' application for attorneys' fees, reimbursement of costs and expenses, and service awards for the Representative Plaintiffs.

In support of this motion, Plaintiffs rely upon the accompanying brief in support, the Declaration of Russell D. Paul ("Paul Decl."), and a copy of the fully executed Settlement Agreement, which is attached as Exhibit A to the Paul Decl, the Declaration of Cody R. Padgett, and the Declaration of Samuel M. Ward. The following Exhibits are appended to the Settlement Agreement:

- Exhibit 1, proposed Claim Form
- Exhibit 2, proposed First-Class Notice
- Exhibit 3, proposed Long Form Notice
- Exhibit 4, proposed Preliminary Approval Order
- Exhibit 5, List of Settlement Class Vehicles identified by Vehicle Identification Number

Defendant Subaru of America, Inc. does not oppose this motion.

Dated: March 26, 2025

Respectfully submitted,

By: /s/ Russell D. Paul

Russell D. Paul (NJ Bar. No. 037411989)

Amey J. Park (NJ Bar. No. 070422014)

Natalie Lesser (NJ Bar. No. 017882010)

BERGER MONTAGUE PC

1818 Market Street Suite 3600

Philadelphia, PA 19103

Tel: (215) 875-3000

rpaul@bm.net

apark@bm.net

nlesser@bm.net

Cody R. Padgett (*pro hac vice*)
Abigail J. Gertner (NJ Bar. No. 019632003)
Nathan N. Kiyam (*pro hac vice*)
CAPSTONE LAW APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
Tel.: (310) 556-4811
Fax: (310) 943-0396
Cody.Padgett@capstonelawyers.com
Abigail.Gertner@capstonelawyers.com
Nate.Kiyam@capstonelawyers.com

Andrew J. Heo (NJ Bar. No. 296062019)
Sam M. Ward (*pro hac vice*)
BARRACK, RODOS & BACINE
2001 Market St., Suite 3300
Philadelphia, PA 19103
Phone: 215-963-0600
Fax: 215-963-0838
Tel: (973) 297-1484
Fax: (973) 297-1485
aheo@barrack.com
sward@barrack.com

*Attorneys for Plaintiffs and the Proposed
Settlement Class*